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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/524,217

09/14/2005

Boris Adam

10191/3723

1011

26646

7590

10/02/2006

KENYON & KENYON LLP
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EXAMINER

SUGLO, JANET L

ART UNIT

PAPER NUMBER

2857

DATE MAILED: 10/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/524,217

Applicant(s)

ADAM ET AL.

Examiner

Janet Suglo

Art Unit

2857

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 6-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 6-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 February 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement filed February 8, 2005 fails to comply with 37 CFR 1.98(a)(3) because it does not include a concise explanation of the relevance, as it is presently understood by the individual designated in 37 CFR 1.56(c) most knowledgeable about the content of the information, of each patent listed that is not in the English language. It has been placed in the application file, but the information referred to therein has not been considered.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. **Claims 6-10** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Independent claim specifies that the processor is connectable to "at least one additional vehicle system." However, there is no initial vehicle system described. It will be assumed that the processor and the at least two pressure sensors are the initial vehicle system for this office action.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. **Claims 6, 7, 9, and 10** is rejected under 35 U.S.C. 102(e) as being anticipated by Zumpano (US Patent 6,513,829).

With respect to **claim 6**, Zumpano teaches a device for impact sensing (col 10, In 52-67), comprising:

a processor (col 10, In 63-65); and

at least two pressure sensors connectable to the processor to communicate at least one pressure value each to the processor, the processor being configured to perform an impact sensing based on the at least one pressure value (col 10, In 52-67);

wherein the processor is connectable to at least one additional vehicle system to transmit the at least one pressure value to the at least one additional vehicle system (col 13, In 63-65).

With respect to **claim 7**, Zumpano teaches the at least one additional vehicle system is an injection system (i.e., inflation system injects air into inflatable members) (col 14, In 13-24).

With respect to **claim 9**, Zumpano teaches the at least one additional vehicle system is configured to control its function as a function of the at least one pressure value (col 14, In 1-12).

With respect to **claim 10**, Zumpano teaches the at least one pressure value is a differential pressure value (col 12, ln 59-67).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. **Claim 8** is rejected under 35 U.S.C. 103(a) as being unpatentable over Zumpano (US Patent 6,513,829) in view of Bohner et al. (US Patent 6,269,903) (hereinafter "Bohner"). Zumpano teaches all limitations of parent claim 6 as shown above, but does not teach plausibility checking. Bohner teaches plausibility checking on pressure sensor values (Bohner: col 8, ln 1-3). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Zumpano to include the plausibility checking of Bohner because this will ensure proper functioning of the pressure sensors (Bohner: col 7, ln 61-63) and ensure that the system is functioning during emergency situations (Bohner: col 2, ln 5-7).

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Zumpano (US Patent 6,209,908) teaches an inflatable restraint assembly for vehicles.

Stride (US Patent 6,212,456) teaches a pedestrian impact sensor system.

Sparks et al. (US Patent 6,338,010) teaches a multi-sensor module for communicating sensor information over a vehicle data bus.

Breed (US PGPub 2002/0166710) teaches a method and apparatus for deploying airbags.

Eisele et al. (US PGPub 2003/0051530) teaches a device for impact detection in a vehicle.

Roelleke et al. (US PGPub 2003/0140679) teaches a device for side impact detection in a motor vehicle.

Schofield et al. (US Patent 6,302,545) teaches a vehicle control system and method.


Breed et al. (US Patent 6,328,126) teaches a crush sensing vehicle crash sensor.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Janet Suglo whose telephone number is 571-272-8584. The examiner can normally be reached on weekdays from 8:30am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marc Hoff can be reached on 571-272-2216. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Janet L Suglo
September 25, 2006


MARC S. HOFF
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800